



Docket 14249

AF  
BFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named  
Inventor: Peter Hagerlid

Appln. No.: 09/719,960

Group Art Unit: 1655

Filed: June 14, 2001

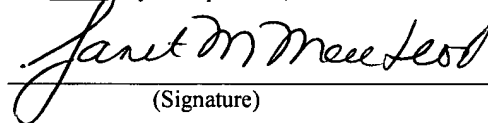
Examiner: B. Sisson

Title: REACTION MONITORING SYSTEM

STATEMENT OF SUBSTANCE OF INTERVIEW

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

I hereby certify that this document is being sent via First Class U. S. mail addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this 27<sup>th</sup> day of September, 2005.

  
(Signature)

Sir:

A telephonic interview was held for the above-identified application on August 23, 2005.

The interview was attended by Examiner Bradley Sisson and Applicants' attorney, Janet M.

MacLeod. No exhibits were shown and no demonstrations were conducted. Claims 23 and 46 were discussed. U.S. Patent No. 5,874,219 to Rava et al. and U.S. Patent No. 5,556,961 to Foote et al. were discussed. Agreement was not reached.

Applicants' attorney proposed an amendment of Claims 23 and 46 to recite that the masking means is "arranged to reduce transmission of light." The Examiner indicated that he would consider the proposed amendment.

In the Interview Summary mailed August 29, 2005, the Examiner states that Applicants' attorney "indicated that the masking means is not considered by applicant/appellant to be the novel feature of the claimed invention. Rather, the novel feature lays [sic] in the ability to simultaneous [sic] monitor multiple wells/sites of the array."

Applicants disagree with the Examiner's characterization. Applicants' attorney indicated that the rejection of record and the Examiner's additional comments with respect to potential prior art relating to masking means improperly focus on specific features of the invention and fail to consider the claimed invention as a whole. Applicants' attorney further indicated that such an approach constitutes impermissible hindsight reconstruction. The Examiner invited Applicants to include this position in their appeal brief.

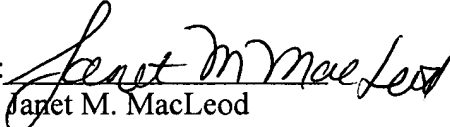
Applicants' attorney advised the Examiner that a written decision on Applicants request for a pre-appeal brief review has not been received.

Respectfully submitted,

DORSEY & WHITNEY LLP

Date: September 27, 2005

By:

  
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